

PATENT
Attorney Docket No. 00-4029RCE1
Application Serial No. 09/777,969

REMARKS

Claims 1-10, 14-23, 27-35, and 60-67 are pending in this application, with claims 1, 14, 27, and 60 being independent. Claims 1, 14, 27 and 60 have been amended. No new matter has been added. Favorable reconsideration and allowance are respectfully requested.

Claims 1, 2, 4-10, 14, 15, 17-23, 27, and 29-35 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2001/0014616 (Matsuda) in view of U.S. Patent No. 6,070,053 (Yamashita); claims 3, 16, 28, and 60-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuda in view of Yamashita, and further in view of U.S. Patent No. 6,418,330 (Lee); claim 67 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuda in view of Yamashita, and further in view of Lee, and further in view of U.S. Patent No. 6,366,791 (Lin). These rejections are respectfully traversed.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 103(a), with special attention to the points raised in the Office Action.

Independent claims 1, 14, 27 and 60 have been amended to recite determining whether a call signal itself includes information identifying an audible signal and in a case where the call signal itself includes information identifying an audible signal, determining whether the call signal is from a source listed in memory as being pre-authorized. The audible signal that is generated is the audible signal represented by a pre-configured and complete digital representation provided in a memory location selected in a selecting step, except that in response to receipt of a call signal that itself includes information identifying an audible signal and that is

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from a source listed in the memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and complete digital representation provided in the memory location selected in the selecting step.

The Office Action concedes that Matsuda fails to teach or suggest that in response to receipt of a call signal that includes information identifying an audible signal and that is from a source listed in memory as pre-authorized, the audible signal that is generated is the signal identified by the call signal, rather than pre-configured representation from the selecting step. For this feature, the Office Action looks to Yamashita. But Yamashita does not disclose this feature at all.

In stark contrast, Yamashita relates to a system in which a caller can transmit a calling signal that includes music data appended to a message, and in which the called party's apparatus determines whether such music data is present, and if it is, performs ringing using the music data. Yamashita describes this feature as enabling the system to use "the music data transmitted from the calling station without dependence on a preset sound stored beforehand at the station" (col. 3, lines 8-11; also, see col. 1, lines 59-62). When no music data is appended, the apparatus merely uses its standard ring to alert the user of the incoming call (col. 4, lines 59-66). And when music data is appended, the corresponding music is played, irrespective of whether the call is from a pre-authorized source. Applicant submits that, even if one of ordinary skill would have been motivated to attempt to combine Matsuda and Yamashita (which Applicant does not believe to be the case), the result of such combination would not meet the terms of the claims.

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Yamashita is completely devoid of any teaching or suggestion of a method or system which, when the call signal itself includes information identifying an audible signal, determines whether the call signal is from a source listed in memory as being pre-authorized. To the contrary, as best as Yamashita can be understood, when the Receiver receives a calling signal that includes codes corresponding to sounds (such as "do," "re," "mi," "fa," etc.), the codes are converted to audio signals of corresponding pitch, and calling notification is performed using the resultant audio signals. See col. 5, lines 21-50. There is no determination, of any kind, as to whether the calling source is or is not pre-authorized.

Absent that teaching, Yamashita, even if, combined with Matsuda, cannot correct its deficiencies. Accordingly, it is believed to be clear that the independent claims are allowable over Matsuda taken in any permissible combination (if any exists) with Yamashita.

All remaining claims depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.

This Amendment After Final Action is believed to place clearly this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. Entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.


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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and passage to issue of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 07-2347. If an extension of time under 37 C.F.R. § 1.136 not accounted for above is required, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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